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09/743,970	01/17/2001	Philippe Mace	PF980045	1467

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/743,970

Applicant(s)

MACE, PHILIPPE

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed February 18, 2004 have been fully considered but they are not persuasive.

In re pages 6-7, applicant argues, with respect to claims 1 and 9, that the claimed limitation "the utilization of the processed data having to be triggered at a given theoretical instant" is neither disclosed nor suggested in Geer.

In response, the examiner respectfully disagrees. Greer et al discloses in col. 5, lines 19-51 that "Step 210 of Fig. 2 is illustrated in more detail beginning with step 220 of FIG. 4(a) in case where the user elects to use clipping to enforce the minimum and maximum display duration limits specified in step 100... Then, the converter program repeats steps 230-242 to enforce the minimum and maximum display time limits for the second images, and then the histogram routine jumps to step 302 of FIG. 6(a) as described below". From the above passage, it is clear that FIG. 4(a) of Geer et al utilizes the processed data having to be triggered at a given theoretical instant (the display time of Geer et al). Thus, Geer et al does indeed disclose the claimed "the utilization of the processed data having to be triggered at a given theoretical instant".

In re pages 7-8, applicant argues that claims 7-8 and 15 are patentable for the same reasons given above in connection with claims 1 and 9.

In response, as discussed above with respect to claims 1 and 9, Geer et al discloses the claimed "the utilization of the processed data having to be triggered at a given theoretical instant" as required by claims 1 and 9.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6, 9-10, 14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Greer et al. (US Patent No. 5,574,798).

In considering claim 1, Greer et al discloses all the claimed subject matter, note 1) the claimed wherein said device comprises a circuit (MP) for calculating a minimum duration (d) of utilization of the data, which is proportional to the amount (L) of data contained in the data set is met by the CPU 22 which is programmed by an image analyzer program 24 to determine the amount of information in each of the images, the result is passed to a display time converter program 30 to determine the length of time that each image should be displayed based on the amount of information in the respective image, the greater the information content, the longer the image is displayed (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

In considering claim 2, the claimed wherein the minimum duration (d) is an increasing function of the size of an area of the memory empty of data is met by the empty area of the RAM 20 (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

In considering claim 6, the claimed wherein the area of the memory for storing the processed data intended to be utilized is divided into various memory spaces each containing a data set and wherein said device comprises a counter for tagging the

various memory spaces as they are being filled so that the utilized data are those contained in the memory space tagged first is met by the counter of the weight determination program 24a, called a "histogram analyzer" routine (Figs. 3(a-c), col. 3, line 43 to col. 5, line 51).

Claims 9-10 are rejected for the same reason as discussed in claims 1-2, respectively.

Claim 14 is rejected for the same reason as discussed in claim 6.

In considering claim 16, the claimed wherein the minimum duration (d) of display of the decoded data is proportional to a parameter (m) dependent on weighting means related to the language in which the subtitle is to be displayed is met by the image analyzer program 24, called a "graphic primitive recognition analyzer" routine (Fig. 9, col. 8, lines 24-67).

In consider claim 18, the claimed wherein the given theoretical instant is a time reference whose value is proportional to a duration it takes to decode said processed data is met by the image analyzer program 24, called a "graphic primitive recognition analyzer" routine (Fig. 9, col. 8, lines 24-67).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2614

5. Claims 7-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al. (US Patent No. 5,574,798) in view of Yagasaki (US Patent No. 5,847,770).

In considering claim 7, Greer et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the detected data set represents a subtitle consisting of coded data detected in a flow of data conveyed according to the MPEG 2 System transport standard and wherein the processing circuit is a circuit for decoding the coded data, the utilization of the data being the displaying of the decoded data on screen. Yagasaki teaches that referring to Fig. 1 of the drawings, a picture and subtitle encoding apparatus is shown and is comprised of a picture encoding apparatus 20 and a subtitle coding apparatus 26, picture encoding apparatus is comprised of an encoder unit 22 and a buffer memory 24, wherein a video image (i.e., a picture signal) is supplied to encoder unit 22, which may be an MPEG encoder, and which encodes the video signal in a manner well known in the art, and which supplies the encoded signal to buffer memory 24 which temporarily stores the encoded signal therein (Fig. 1, col. 1, line 1 to col. 2, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the MPEG encoder as taught by Yagasaki into Greer et al.'s system in order to encode and decode subtitle data which are operable to efficiently encode/decode and subsequently output a subtitle signal representing one or more subtitles to be displayed on a video image.

In considering claim 8, the claimed a decoder operating as claimed in the MPEG 2 video standard, wherein said decoder comprises the device as claimed in claim 7 is met by the MPEG encoder (Fig. 1, col. 1, line 1 to col. 2, line 11) of Yagasaki.

Claim 15 is rejected for the same reason as discussed in claim 7.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al. (US Patent No. 5,574,798) in view of Iwamura (US Patent No. 5,987,214).

In consider claim 17, Greer et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the given theoretical instant is a same value as specified in a presentation time stamp. Iwamura teaches that each page header, shown in detail in Fig. 2B, includes a leading code for identifying the page header, PTSS (presentation time stamp start) data which identifies the time at which the subtitle is presented (i.e., displayed), PTSE (presentation time stamp end) data which identifies the superimposition termination time of the subtitle, a page data length which identifies the amount of data included in the page (col. 2, lines 6-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the time stamp as taught by Iwamura into Greer et al.'s system in order to in order to encode and decode subtitle data which are operable to efficiently encode/decode and subsequence output a subtitle signal representing one or more subtitles to be displayed on a video image corresponding to the page header.

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki (US Patent No. 5,847,770) in view of Greer et al. (US Patent No. 5,574,798).

In consider claim 19, Yagasaki discloses all the claimed subjected matter, note 1) the claimed detecting said data from a data flow transported as part of the MPEG compatible transport stream is met by the demultiplexer 42 which demultiplexes the supplied signal and supplied the video signal (i.e., the picture stream) to picture decoding apparatus 44 and supplies the subtitle data (i.e., the subtitle stream) to subtitle decoding apparatus 50 (Fig. 2, col. 2, lines 6-20), 2) the claimed decoding said data into a subtitle is met by the subtitle decoder 56 (Fig. 2, col. 2, lines 29-55), and 3) the claimed displaying said subtitle information in accordance with a presentation time stamp (PTS) which determines when to display said subtitle information is met by the address controller 58 which establishes the write and read address control signals that are supplied to buffer memory 52 from the display time, position data and the data amount information, and in response to control signal from demultiplexer 42 and from Fig. 6, the larger amount of data, the longer time display (Figs. 2-6, col. 2, line 29 to col. 3, line 63).

However, Yagasaki explicitly does not disclose the claimed displaying said subtitle information for a duration in proportion to a value corresponding to the length of the subtitle.

Greer et al teach that the CPU 22 which is programmed by an image analyzer program 24 to determine the amount of information in each of the images, the result is passed to a display time converter program 30 to determine the length of time that each image should be displayed based on the amount of information in the respective image,



the greater the information content, the longer the image is displayed (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the MPEG encoder as taught by Greer et al. into Yagasaki's system in order to provide a system which determines an optimum duration for displaying each of a multiplicity of images or subtitle in a visual presentation.

In consider claim 20, the claimed wherein said duration of display is calculated in view of the length of said subtitle information and a size of a memory area used to store said subtitle information where the duration increases when the size of said memory area empty of data increases and decreases when the size of the memory area empty of data decreases is met by the empty area of the RAM 20 (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10) of Greer et al.

#### ***Allowable Subject Matter***

8. Claims 3-5 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2614

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Application/Control Number: 09/743,970

Page 10

Art Unit: 2614

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

TT TT  
May 2, 2004

  
MICHAEL H. LEE  
PRIMARY EXAMINER